

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE RESOLUTION No. 2002-146

**A RESOLUTION APPROVING 401 WATER QUALITY CERTIFICATION
FOR THE NEW ACCESS ROAD TO THE
RANCHO POTRERO LEADERSHIP ACADEMY**

WHEREAS, Section 401 of the Clean Water Act requires that any person applying for a federal permit or license which may result in a discharge of pollutants into waters of the United States, must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. No license or permit may be issued by a federal agency until certification required by Section 401 has been granted.

WHEREAS, on December 11, 2001, the County of Orange certified the Final Environmental Impact Report for the construction of the Rancho Potrero Leadership Academy (RPLA) and new access road.

WHEREAS, on December 14, 2001, the County of Orange submitted an application for 401 Water Quality Certification for the New Access Road to the Rancho Potrero Leadership Academy (hereinafter project), a project consisting of the construction of a 2.7 mile access road and facilities for a five acre youth residential custodial program for the County of Orange Probation Department located in the Trabuco Canyon area of unincorporated Orange County.

WHEREAS, the proposed project is located in the San Juan hydrologic unit, Mission Viejo hydrologic Area, and the Upper Trabuco hydrologic subunit Area (HSA 901.22).

WHEREAS, Chapter 3 of the Basin Plan establishes water quality standards for the San Juan hydrologic unit, and Chapter 2 of the Basin Plan establishes beneficial uses for the San Juan hydrologic unit.

WHEREAS, construction of the new access road and RPLA facility will directly impact 0.74 acres of waters of the United States by the placement of fill material at the Trabuco Creek crossing and other smaller drainage crossings.

WHEREAS, direct impacts to waters of the U.S. will be mitigated by on-site preservation of 0.5 acres and off-site enhancement of 1.47 acres of waters of the U.S.

WHEREAS, water resources and beneficial uses that may be impacted during construction of the project will be protected through the implementation of Best Management Practices pursuant to NPDES General Permit No. CAS000002.

WHEREAS, Best Management Practices have been incorporated into the project design to mitigate indirect impacts to water resources and beneficial uses from post-construction stormwater and urban runoff.

WHEREAS, water resources and beneficial uses that may be impacted from post-construction stormwater and urban runoff from the project will be mitigated to the maximum extent practical by the use of Best Management Practices pursuant to NPDES Permit No. CAS0108740.

WHEREAS, the project will not have a significant adverse impact upon water quality standards if the project is constructed and implemented as proposed, and if all special conditions required by the 401 Water Quality Certification are followed.

WHEREAS, this action issuing 401 Water Quality Certification does not permit an illegal discharge, and does not preclude the need for permits which may be required by other local or governmental agencies, and does not preclude the Regional Board from administering enforcement remedies in case of threatened pollution or nuisance.

WHEREAS, the Regional Board held a public hearing on June 12, 2002 in San Diego and considered all evidence and public comments concerning this matter.

THEREFORE, BE IT RESOLVED, that pursuant to Section 401 of the Federal Clean Water Act, the Regional Board hereby issues 401 Water Quality Certification, as contained in Attachment No. 1 to this Resolution, with special conditions, for the Rancho Potrero Leadership Academy project.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is full, true, and correct copy of Resolution 2002-146 adopted by the California Regional Water Quality Control Board, San Diego Region, on June 12, 2002.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer

June 10, 2002

JHR:rwm:jch